

## APPEAL

**United States District Court  
District of Massachusetts (Boston)**

**CIVIL DOCKET FOR CASE #: 1:04-cv-10386-MLW**

**Petitioner**

Grayling Davis

represented by **David B. Mark**  
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Warren, RI  
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**TERMINATED: 03/25/2004**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**James M. Fox**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Bernard Brady**  
*Superintendent, Old Colony  
Correctional Center*

represented by **Daniel I. Smulow**  
Office of the Attorney General  
One Ashburton Place  
18th Floor  
Boston, MA 02108  
617-727-2200  
Fax: 617-727-5755  
*LEAD ATTORNEY*

V.

**Respondent**

Old Colony Correctional Center

represented by **Daniel I. Smulow**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Natalie S Monroe**  
Attorney General's Office  
One Ashburton Place  
Boston, MA 02108  
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Fax: 617-727-5755  
TERMINATED: 03/17/2005

Date Filed	#	Docket Text
02/26/2004	•1	PETITION for writ of habeas corpus pursuant to 28:2254 § 5, receipt number 54142, filed by Grayling Davis(Boyce, Kathy) (Entered: 03/01/2004)
02/26/2004	•2	NOTICE of Appearance by David B. Mark on behalf of Grayling Davis, FILED. (Boyce, Kathy) (Entered: 03/01/2004)
03/25/2004	•3	NOTICE of Withdrawal of Appearance Attorney David B. Mark terminated. FILED, c/s. (Boyce, Kathy) (Entered: 04/02/2004)
05/03/2004	•4	NOTICE of Appearance by James M. Fox on behalf of Grayling Davis, FILED, c/s. (Boyce, Kathy) (Entered: 05/12/2004)
06/16/2004	•5	Letter dated June 14, 2004 from James M. Fox to Judge Wolf stating that he indends to file a supporting memorandum and, if appropriate, amend the habeas petition, FILED. (Boyce, Kathy) (Entered: 06/23/2004)
06/21/2004	•6	Judge Mark L. Wolf : ORDER entered: It is hereby ORDERED that the respondents shall, within twenty days of the receipt of this Order, file an answer or otherwise responsive pleading to the Petition....cc/cl.(Boyce, Kathy) (Entered: 06/28/2004)
06/25/2004	•	Judge Mark L. Wolf : ORDER entered ELECTRONIC ENDORSEMENT re 5 Letter/request (non-motion)Allowed. Any motion to amend shall be filed by 8/16/04 with supporting memorandum. (O'Leary, Dennis) (Entered: 06/25/2004)
08/05/2004	•7	MOTION for Extension of Time to 60 Days to Amend the 2254 Petition, by Grayling Davis, FILED, c/s.(Boyce, Kathy) (Entered: 08/06/2004)
08/05/2004	•8	AFFIDAVIT of Atty Fox in Support of MOTION for Extension of Time to 60 Days to Amend Electronic Endorsement (non-order) filed by Grayling Davis (Boyce, Kathy) (Entered: 08/06/2004)
08/05/2004	•9	CERTIFICATE OF SERVICE by Grayling Davis re 7 MOTION for Extension of Time to 60 Days to Amend. (Boyce, Kathy) (Entered: 08/06/2004)

08/12/2004	⑩	MOTION for Extension of Time to 30 days after the Court rules on the petitioner's motion to amend his habeas corpus petition to answer or otherwise respond to the petitioner's petition for a writ of habeas corpus by Old Colony Correctional Center.(Monroe, Natalie) (Entered: 08/12/2004)
08/13/2004	⑪	Judge Mark L. Wolf : Electronic ORDER entered granting <u>7</u> Motion for Extension of Time to Amend, granting <u>10</u> Motion for Extension of Time (O'Leary, Dennis) (Entered: 08/13/2004)
09/28/2004	⑫	Second MOTION for Extension of Time to December 4, 2004 to Amend <i>2254 Petition and Memorandum</i> by Grayling Davis.(Fox, James) (Entered: 09/28/2004)
10/22/2004	⑬	Judge Mark L. Wolf : Electronic ORDER entered granting <u>11</u> Motion for Extension of Time to Amend. The amended petition shall be filed by 12/1/2004. (O'Leary, Dennis) (Entered: 10/25/2004)
11/29/2004	⑭	MEMORANDUM OF LAW by Grayling Davis to <u>1</u> Petition for writ of habeas corpus (28:2254). (Fox, James) (Entered: 11/29/2004)
01/05/2005	⑮	Assented to MOTION for Extension of Time to March 4, 2005 to respond to the petition for a writ of habeas corpus by Old Colony Correctional Center.(Monroe, Natalie) (Entered: 01/05/2005)
02/23/2005	⑯	NOTICE of Appearance by Daniel I. Smulow on behalf of Old Colony Correctional Center (Smulow, Daniel) (Entered: 02/23/2005)
02/24/2005	⑰	MOTION for Leave of Natalie S. Monroe to Withdraw as Attorney by Bernard Brady, Old Colony Correctional Center, FILED, c/s.(Boyce, Kathy) (Entered: 03/02/2005)
03/04/2005	⑱	ANSWER to Complaint by Old Colony Correctional Center, Bernard Brady.(Smulow, Daniel) (Entered: 03/04/2005)
03/04/2005	⑲	MOTION Set Briefing Schedule by Old Colony Correctional Center, Bernard Brady.(Smulow, Daniel) (Entered: 03/04/2005)
03/09/2005	⑳	Supplemental Answer by Bernard Brady to <u>1</u> Petition for writ of habeas corpus (28:2254, FILED. (large bound volume- not scanned) (Boyce, Kathy) (Entered: 03/10/2005)
03/17/2005	㉑	Judge Mark L. Wolf : Electronic ORDER entered granting <u>15</u> Motion to Withdraw as Attorney., granting <u>17</u> Motion for a briefing schedule (O'Leary, Dennis) (Entered: 03/17/2005)
04/15/2005	㉒	MEMORANDUM OF LAW by Old Colony Correctional Center, Bernard Brady to <u>1</u> Petition for writ of habeas corpus (28:2254). (Smulow, Daniel) (Entered: 04/15/2005)
04/18/2005	㉓	Letter dated 4/15/05 from Daniel I. Smulow to Ms. Thornston, Clerk enclosing copies of the transcripts cited in the respondent's memorandum in opposition electronically filed on 4/15/05, FILED. (Boyce, Kathy) (Entered: 04/20/2005)

04/18/2005	<u>21</u>	State Court Transcripts Cited in Respondent's Memorandum in Opposition to Habeas Corpus Petition, FILED. (Boyce, Kathy) (Entered: 04/20/2005)
12/29/2005	<u>22</u>	NOTICE issued to Attorney David B. Mark regarding mandatory use of ECF in compliance with Local Rule 5.4. Failure to comply may result in the imposition of sanctions. (Boyce, Kathy) (Entered: 12/29/2005)
12/12/2006	<u>23</u>	Judge Mark L. Wolf : ORDER entered. ORDER TO SHOW CAUSE Show Cause Response due by 1/15/2007.(O'Leary, Dennis) (Entered: 12/13/2006)
01/05/2007	<u>24</u>	RESPONSE TO ORDER TO SHOW CAUSE by Grayling Davis. (Fox, James) (Entered: 01/05/2007)
03/26/2007	<u>25</u>	Judge Mark L. Wolf : ORDER entered. MEMORANDUM AND ORDER. For the reasons discussed in this Memorandum, it is hereby ORDERED that the Petition For Habeas Corpus, (Docket No. 1), is DENIED.(O'Leary, Dennis) (Entered: 03/26/2007)
03/26/2007	<u>26</u>	Judge Mark L. Wolf : ORDER entered. JUDGMENT in favor of defendant against plaintiff(O'Leary, Dennis) (Entered: 03/26/2007)
03/29/2007	<u>27</u>	NOTICE OF APPEAL as to <u>25</u> Memorandum & ORDER. <u>26</u> Judgment by Grayling Davis NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 4/18/2007. (Fox, James) (Entered: 03/29/2007)
03/29/2007	<u>28</u>	MOTION for Leave to Proceed in forma pauperis ( <i>Waive Appeal Filing Fees Only</i> ) by Grayling Davis.(Fox, James) (Entered: 03/29/2007)
03/29/2007	<u>29</u>	MOTION for Certificate of Appealability by Grayling Davis.(Fox, James) (Entered: 03/29/2007)
03/29/2007	<u>30</u>	MEMORANDUM in Support re <u>29</u> MOTION for Certificate of Appealability filed by Grayling Davis. (Fox, James) (Entered: 03/29/2007)
04/09/2007	<u>31</u>	Judge Mark L. Wolf : ORDER entered denying <u>28</u> Motion for Leave to Proceed in forma pauperis without prejudice to renew within 30 days. [remark: blank COA application form sent to counsel].(PSSA, 1) (Entered: 04/09/2007)
04/09/2007	<u>32</u>	Judge Mark L. Wolf : MEMORANDUM and ORDER entered denying <u>29</u> Motion for Certificate of Appealability (O'Leary, Dennis) (Entered: 04/10/2007)